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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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MYERS BIGEL SIBLEY & SAJOVEC, P.A.
P.O. BOX 37428
RALEIGH, NC 27627

EXAMINER	
LIU, I JUNG	
ART UNIT	PAPER NUMBER
3694	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/090,180	MCQUAIDE ET AL.	
	Examiner	Art Unit	
	MARISSA LIU	3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 November 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-18 are presented for examination. Applicant filed a request for continued prosecution and a request to enter the previously unentered after final amendment on 11/15/2007 amending claims 1, 10 and 18. Upon careful consideration of Applicant's amendments and arguments, the Examiner withdraws the rejection of claims 1-18. However, new grounds of rejection of claims 1-18 necessitated by Applicant's amendment are established in the instant office action as set forth in detail below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 recites the limitation "an alert" in claim 1. There is insufficient antecedent basis for this limitation in the claim.

4. Claim 2 recites the limitation "the account server" in claim 2. There is insufficient antecedent basis for this limitation in the claim.

5. Claim 10 recites the limitation "a wireless device" in claim 10. There is insufficient antecedent basis for this limitation in the claim.

6. Claim 10 recites the limitation "the subscriber" in claim 10. There is insufficient antecedent basis for this limitation in the claim.

7. Claim 16 recites the limitation "the credit card account's designation" in claim 10. There is insufficient antecedent basis for this limitation in the claim.

8. Claim 18 recites the limitation "a wireless device" in claim 18. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 18 recites the limitation "the subscriber" in claim 18. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. Claims 1, 7, 10 and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell et al., US Patent Number: 7,006,994 B1 in view of Hudda et al., US Publication Number: 2001/0049636 A1.

1. As per claim 1, or 10 or 18 Campbell et al. teaches a credit alert system or method, comprising:

a wireless subscriber account server for receiving an alert from a credit card account database regarding at least one of available credit and credit status for a credit card account (column 9, lines 19-30; column 3, lines 44-52; column 8, lines 61-64; column 12, lines 1-11; Figs. 3-5; claims 1-2);

an application module in communication with the wireless subscriber account server for determining a wireless subscriber associated with a credit card account and for preparing a message to communicate to a wireless device of a subscriber in response to receiving an alert from the credit card account database (column 3, lines

40-52; column 8, lines 7-22; column 10, lines 22-29, column 11, lines 36-38; column 11, line 65-column 12, line 10 , where "laptop" or "PDA (personal data assistant screen) screen, for example using a wireless network" is equivalent to the "wireless device").

Campbell et al. does not teach a wireless subscriber account database in communication with the wireless subscriber account server for storing wireless subscriber account information.

Hudda et al. teaches a wireless subscriber account database in communication with the wireless subscriber account server for storing wireless subscriber account information (paragraphs 0139, 0142-0143 and 0138).

Therefore, it would have been prima fascia obvious to one of ordinary skill in the art at the time of the invention to add a wireless subscriber account database in communication with the wireless subscriber account server for storing wireless subscriber account information feature to the system or method of Campbell because Hudda et al. teaches that adding the feature helps provide the consumer with a notification directly sent to the wireless device of the consumer or helps to notifies the consumer the result (paragraphs 0062, 0117 and 0009-0045).

2. As per claim 7, Campbell et al. and Hudda teach the system or method of claim 1 described above. Campbell further teaches wherein the wireless device is a personal digital assistant (column 10, lines 22-29; column 3, lines 44-52; column 8, lines 61-64).

3. Claims 2-6, 8-9, 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell et al., US Patent Number: 6,430,406 B1, in view of Hudda

et al., US Publication Number: 2001/0049636 A1, further in view of Dutta et al., US Publication Number: 2002/0186845 A1.

4. As per claim *2 or 11*, Campbell et al. and Hudda teach system or method of claim 1 or 10 described above. Campbell et al. does not teach wherein the wireless device is Wireless Application Protocol (WAP) enabled. Dutta et al. teaches wherein the wireless device is Wireless Application Protocol (WAP) enabled (abstract).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add the wireless device is Wireless Application Protocol (WAP) enabled feature to the combined system or method of Campbell et al. and Hudda because Dutta et al. teaches that adding the feature helps to service enables a user to immediately block access to user authentication function in the security element of a phone or other type of mobile terminal (abstract).

5. As per claim 3, Campbell et al., Hudda et al. and Dutta et al. teach the system of claim 2 described above. Campbell et al. does not teach wherein the message is communicated to the wireless device via a gateway in communication with the account server and the wireless device. Dutta et al. further teaches wherein the message is communicated to the wireless device via a gateway in communication with the account server and the wireless device (see Fig. 4 and ¶ 0008).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add the message is communicated to the wireless device via a gateway in communication with the account server and the wireless device feature to the combined credit alert system of Campbell et al., Hudda et al. and Dutta et

al. because Dutta et al. teaches that adding the feature helps to control a security element of a mobile terminal for disabling and enabling access to secure functions of the mobile system (see ¶ 0008, page 9 and claim 32 of Dutta et al.).

6. As per claim 4, Campbell et al., Hudda et al. and Dutta et al. teach the system of claim 3 described above. Dutta et al. further teaches wherein the gateway includes a push proxy (see Fig. 4 and ¶ 0008).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add the gateway includes a push proxy feature to the combined credit alert system of Campbell et al., Hudda et al. and Dutta et al. because Dutta et al. teaches that adding the feature helps to control a security element of a mobile terminal for disabling and enabling access to secure functions of the mobile system (see ¶ 0008, page 9 and claim 32 of Dutta et al.).

7. As per claim 5, Campbell et al., Hudda et al. and Dutta et al. teach the system of claim 4 described above. Campbell does not teach wherein the gateway includes a WAP push proxy. Dutta et al. further teaches wherein the gateway includes a WAP push proxy (see Fig. 4, ¶ 0008 and ¶ 0027).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add the gateway includes a WAP push proxy feature to combined credit alert system of Campbell et al., Hudda et al. and Dutta et al. because Dutta et al. teaches that adding the feature helps to control access to a security key in a security element (¶ 0008 and page 10, claim 42 of Dutta et al.).

8. As per claim 6, Campbell et al. and Hudda et al. teach the system of claim 1 described above. Campbell et al. does not teach wherein the wireless device is a wireless telephone. Dutta teaches wherein the wireless device is a wireless telephone (¶ 0001, 0004-0005, 0009, 0026 and 0028).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add the wireless device is a wireless telephone feature to the combined credit alert system of Campbell et al. and Hudda et al., because Dutta et al. teaches that adding the feature helps to enables a user to immediately block access to the payment and user authentication functions in the tamper resistant security of a phone or other type of mobile terminal with a radio message (¶ 0007 of Dutta et al.).

9. As per claim 8, Campbell et al. and Hudda et al. teach the system of claim 1 described above. Campbell et al. does not teach wherein the wireless device is a pager. Dutta et al. further teaches wherein the wireless device is a pager (see ¶ 0060).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add wireless device is a pager feature to the combined credit alert system of Campbell and Hudda et al., because Dutta et al. teaches that adding the feature helps to enables a user to immediately block access to the payment and user authentication functions in the tamper resistant security of a phone or other type of mobile terminal with a radio message (¶ 0007 of Dutta et al.).

10. As per claim 9, Campbell et al. and Hudda et al. teach the system of claim 1 described above. Dutta et al. further teaches wherein the wireless device is a portable computer having a wireless modem (see ¶ 0057 and ¶ 0060).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add a portable computer having a wireless modem feature to the combined credit alert system of Campbell et al. and Hudda et al. because Dutta et al. teaches that adding the feature helps to enables a user to immediately block access to the payment and user authentication functions in the tamper resistant security of a phone or other type of mobile terminal with a radio message (see ¶ 0007 of Dutta et al.).

11. As per claim 12, Campbell et al., Hudda et al. and Dutta et al. teach the method of claim 11 described above. Dutta further teaches pushing the message via a WAP enabled push proxy gateway to the wireless device (abstract; Fig. 4; ¶ 0008 and 0027).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add pushing message via WAP enabled push proxy gateway to wireless device feature to combined credit alert system of Campbell et al., Hudda et al. and Dutta et al. because Dutta et al. teaches that adding the feature helps to control access to a security key in a security element (¶ 0008 and page 10, claim 42 of Dutta et al.).

12. As per claim 13, Campbell et al., Hudda et al. and Dutta et al. teach the method of claim 12 described above. Dutta et al. further teaches wherein the message is a WAP push initiator (¶ 0008-0010 and 0026).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add message is a WAP push initiator feature to combined credit alert system of Campbell et al., Hudda et al. and Dutta et al. because Dutta et al. teaches that adding the feature helps to control access to a security key in a security element (¶ 0008 and page 10, claim 42 of Dutta et al.)

13. As per claim 14, Campbell, Hudda et al. and Dutta et al. teach the method of claim 13 described above. Campbell et al. further teaches wherein the message is transmitted when the credit card account exceeds a predetermined amount (column 3, lines 40-52).

14. As per claim 15, Campbell et al., Hudda et al. and Dutta et al. teach the method of claim 13 described above. Campbell et al. further teaches wherein the message is transmitted upon non-receipt of a credit payment (column 3, lines 40-52).

15. As per claim 16, Campbell et al., Hudda et al. and Dutta et al. teach the method of claim 13 described above. Campbell et al. further teaches wherein the message is transmitted upon the credit card account's designation as past due (column 3, lines 40-52).

16. Claims 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell et al., US Patent Number: 6,430,406 B1, in view of Hudda et al., US Publication Number: 2001/0049636 A1, in view of Dutta et al., US Publication Number: 2002/0186845 A1, further in view of Official Notice.

17. As per claim 17, Campbell, Hudda et al. and Dutta et al. teach the method of claim 13 described above. Campbell et al., Hudda and Dutta et al. do not teach wherein the message is transmitted upon suspension of the credit card account.

Official Notice is taken transmit a message when credit card account is closed is old and well established in the credit card and banking industry in order to notify customer the current account activity in order to prevent fraudulent activities or enhance security. It would have been obvious to one having ordinary skill in the art at the time of the invention to have included transmit a message when credit card account is closed to the credit alert system.

Response to Arguments

18. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARISSA LIU whose telephone number is (571)270-1370. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James P Trammell/
Supervisory Patent Examiner, Art Unit 3694
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